



04-07-04

Express Mail Label No. ER 162 135 411 US

362918

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/677,401 Confirmation No. : 3108  
Applicant: : K. Jon Kern et al. Art Unit : 3629  
Filed : 29 September 2000 Examiner : T.D. Nguyen  
TITLE : LOYALTY REWARD PROGRAM FOR REDUCING THE BALANCE OF A  
LOAN OBLIGATION  
Docket No. : 014-040001US  
Customer : 33486

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

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GROUP 3600

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

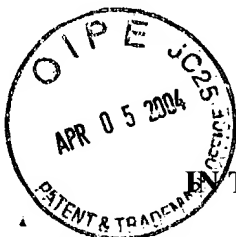
The Applicant has received and considered the Office action mailed 3 October 2003.  
Please amend the above-identified application as follows:

**Amendments to the Claims** begin on page 2.

**Remarks/Arguments** discussing the amendments and responding to the Office action  
begin on page 15.

An **Appendix** including the following items is attached following page 21 of this paper:

- Marked-up copy of the Second Preliminary Amendment, originally filed  
17 May 2002
- Declaration of Inventors Under 37 C.F.R. § 1.131 with Exhibits 1-10



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BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

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CERTIFICATE OF MAILING BY EXPRESS MAIL

Commissioner for Patents  
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Alexandria, VA 22313-1450

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The undersigned hereby certifies that the attached

1. Amendment and Response to Office Action (21 pages);
2. Marked-up copy of Second Preliminary Amendment filed 17 May 2002 (6 pages);
3. Declaration of Inventors Under 37 CFR. § 1.131 with Exhibits 1-10 (54 pages);
4. Transmittal Form (1 page);
5. Fee Transmittal for FY 2004 (1 page) (large entity – in duplicate);
6. Petition for Extension of Time under 37 CFR 1.136(a) (1 page – in duplicate); and
7. Return postcard,

all relating to the above-referenced application were deposited with the United States Postal Service on 5 April 2004 "Express Mail," using the Express Mail label having the number noted at the top of this page and addressed to the Commissioner for Patents at the above address.

5 April 2004  
Date

Adam D. Malmut  
Mailer  
Adam D. Malmut  
Heimbecher & Assoc., LLC  
200 Union Blvd., Suite 316  
Lakewood, CO 80228-1831  
Tel: 303-279-8888  
Fax: 303-985-0651



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PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/677,401
Filing Date	29 September 2000
First Named Inventor	K. Jon Kem et al.
Art Unit	3629
Examiner Name	T.D. Nguyen
Attorney Docket Number	014-040001US

**ENCLOSURES (Check all that apply)**

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input checked="" type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):<br>Postcard<br>Certificate of Express Mailing |
|--|---|---|

Remarks

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**GROUP 3600****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Heimbecher & Assoc., LLC
Signature	<i>And Heimbecher</i> REG. No. 36,353
Date	5 April 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 950.00

**Complete if Known**

Application Number	09/677,401
Filing Date	29 September 2000
First Named Inventor	K. Jon Kern et al.
Examiner Name	T.D. Nguyen
Art Unit	3629
Attorney Docket No.	014-040001US

GROUP 8600

APR 1 3 2004

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**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name

502885

HEIMBECHER &amp; ASSOC., LLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ ) 00.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	92	-20** = -0-	X -0-
Independent Claims	5	-3** = -0-	X -0-
Multiple Dependent			-0-

Large Entity		Small Entity		Fee Description	
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ ) 00.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 950.00

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Reed R. Heimbecher	Registration No.	36,353	Telephone	303-279-8888
Signature		(Attorney/Agent)		Date	5 April 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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